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RE: Retention by Broadcasters of Program Recordings, MB Docket No. 04-232

July 8, 2004

Dear Commissioners of the esteemed FCC,

Regarding the Notice of Proposed Rulemaking in the matter of retention by broadcasters of program recordings, I would like to submit my comments urging the FCC to not require broadcasters to maintain recordings of all broadcasts between the hours of 6am and 10pm.

This rule was once put forth by the FCC in 1975 and it was struck down as unconstitutional by the Court of Appeals. Once again we are faced with the rule which would burden small radio stations, such as the community station I volunteer with in Albuquerque (KUNM-fm), with the cost of implementing, maintaining and storing the program recordings. Our station already operates on a very low budget, and every dollar we raise through our extensive fundraising is used to create the best possible radio for our community. The FCC would now like us to use our precious resources to fulfill what many of us already consider an abridgment of our First Amendment right to free speech.

I am the host of a children's radio program, dedicated to kids ages 0 to 13. On my show we discuss a variety of issues, but there are now topics left to the ambiguous zone of possible infringement of FCC rulings on indecency. Can I freely discuss potty training on my show which airs on Saturdays at 9am without mentioning anything to do with fecal matter? How about educating kids regarding proper, healthful toilet use in the wilderness? These subjects remain censored for fear of prosecution by the FCC, and I already feel my First Amendment rights have been violated by the new pursuit of "indecency" laws governing public airwaves. The real victims however, are my listeners who are denied important health and safety information, as well as a venue to freely speak about issues that they find interesting (or funny). What kid doesn't laugh at potty jokes? Not kids hosting or listening to my show because now we cannot allow the children to freely express themselves for fear of being in violation of these overbearing regulations.

With our listenership's knowledge of the FCC's mandated recorded broadcasts, would they feel comfortable to exercise their First Amendment rights on a call-in radio show, music interviews, or shows that we air seeking public comment on current affairs, including the FCC's renewed interest in mandating public morality? Even if a caller uses the phrase "the f word" in discussion of these regulations, we as a station and independent producers are liable for violation of the obscenity rules. Our listeners and producers will likely censor themselves, leaving free speech a relic of the days when our airwaves were truly free.

This rule change would quite simply be further intrusion by government agencies into our public airwaves, which are not owned by our government, but by the people of the United States. The FCC was not created as a police force, but as a protector of the public resource of our airwaves.

Finally, many of us in broadcasting are already stunned by the FCC's willingness to further consolidate our media into fewer and fewer corporate hands. If only the FCC would please consider that your job is to serve the

American people, not American or internationally owned media corporations. Without a broad based media in the United States, our democracy itself is at stake. Please redirect your energy toward increasing public accessibility on our national airwaves, and do not implement this rule which has already been shown to be in violation of the First Amendment.

Sincerely,

Katie Stone